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Town Hall, Judd Street  
London WC1H 9JE

Our ref: 14/LQB/vh/165102/1  
Your ref:

13 April 2017

Dear David,

**St Anne's Church Laxton Place London NW1 3DX ("the Site")**  
**Planning application number: 2016/6069/P ("the Application")**  
**British Land Property Management Limited ("the Applicant")**

We act on behalf of the Debre Genet Holy Trinity Ethiopian Orthodox Tewahedo Church ("DGEOTC") located at St Anne's Catholic Church, Laxton Place, London, NW1 3PT. We write this letter to strongly object to the Application in so far as it requires the demolition of the Site. This letter is supplemental to the representations made by the DGEOTC to Councillor Heather Johnson on 7<sup>th</sup> October 2016 which has already been logged on the London Borough of Camden's ("the Council") website as an objection, together with the signed petition from the congregation members.

We understand that the Application is likely to be put forward for the Development Control Committee ("DCC") on 11<sup>th</sup> May however we note that you are yet to make a recommendation and as such we request that the contents of this letter are noted and considered before such recommendation is made and in any event that these representations are considered by members prior to the DCC.

**We submit the following representations**

**1. Loss of a Community Facility**

Paragraph 10.2 of the Council's Core Strategy states that the Council will seek to ensure that a wide range of services and facilities to meet community needs are provided in the borough, including education and childcare, health facilities, police and emergency service facilities, libraries, sports and leisure facilities, culture and arts, advice centres, community halls/meeting rooms, places of worship, youth facilities and public conveniences. The Council's Core Strategy is to be read in conjunction with the Local Development Framework Policy DP15 (Community and Leisure Uses) which provides a detailed approach to the protection of existing community and leisure facilities and on contributions towards the provision of new facilities. In accordance with Policy DP15, the Council will protect existing community facilities by resisting their loss unless:

*"c) a replacement facility that meets the needs of the local population is provided; or*

*d) the specific community facility is no longer required in its current use. Where this is the case, evidence will be required to show that the loss would not create, or add to, the shortfall in provision for the specific community use on the site. Where this is successfully demonstrated, the Council's preferred new use will be affordable housing"*

David Joyce, Director of Regeneration and Planning at the Council confirmed that the application is required to meet either one of these policy requirements<sup>1</sup> and our client makes a request for information as to how the Council has ensured that the Application meets these policy requirements.

The Applicant has sought to address the displacement of the DGEOTC in its Equalities Statement dated January 2017 and my client has provided a detailed letter to the Council in response which will not be repeated here save as to emphasise that the Equalities Statement is inadequate for the reasons set out below.

The Applicant has failed to provide any policy justification whatsoever for the loss of the DGEOTC and we submit that no such justification exists. The DGEOTC has been established since 2006 and has occupied the Site since February 2013. The DGEOTC's congregation has grown significantly since moving from its former location in Tufnell Park and membership now exceeds 500. It is typical for attendance on any Sunday service to exceed 500 people and this number increases significantly during the Easter and Christmas seasons. The DGEOTC is a multicultural community which serves individuals within the borough as well as neighboring boroughs and provides a range of different services, not limited solely to a place of Worship.

Table 1 below demonstrates the demand for regular (weekly or monthly, rather than one off) services and other activities, including non – religious activities, which generally involve in excess of 350 people

**Table 1: Major Existing Regular (weekly/monthly) Services**

Day	Service/ Activity	Times	Average Attendance
Monday – Friday	Morning service/ Holy Liturgy	7am to 11am on fasting day 11am to 3pm	up to 100
Monday - Friday	Evening service	6pm to 9pm	up to 100
Saturday (weekly)	morning Mass	6am to 10am	150
Sunday (weekly)	Morning Mass	6am to 11am	600
Sunday (weekly)	Sunday School	11am to 1pm	150
Sunday (weekly)	Evening worship	6pm to 9pm only on special occasions	600
Thursday (weekly)	Bible Study	included on Weekdays evening service	

<sup>1</sup> Letter from David Joyce, Director of Regeneration and Planning to Keir Starmer MP dated 23<sup>rd</sup> December 2016

Any day (monthly)	Feast Day of Holy Trinity, St Teklehmanot and St. Mary	included on weekdays morning service	800 to 1000 during the annual feast of Holy Trinity and St. Teklehaimanot
Weekly	Community Outreach Programme – Homeless Outreach, Asylum Seekers, etc.	Weekly basis	2 volunteers from the Church and this service is provided for 6 number of people within the London Borough of Camden
As required	Community Outreach Programme – Hospital/sick visits	As required	4
Every day	Community Outreach Programme – Assisting the elderly and vulnerable with shopping, cleaning, cooking and catering for further needs as appropriate	Flexible timeframes as required by each individual task	12
Sunday (weekly)	Language classes	08 am – 11 am	95
Any day by appointment	Counselling Services	Anytime	90 per week
Thursday (weekly)	Prayer Meeting	5.30 pm – 8.30 pm	60
Sunday (weekly)	Parish Administration Council Meeting	1pm – 5 pm	7

**Table 2** illustrates events that occur less frequently but which nonetheless have a considerable attendance:

Day	Service/ Activity	Times	Average Attendance
Monday – Sunday (55 consecutive days in the year between February and April)	Lent	Monday to Friday 5 pm – 8.30 pm Saturday 5 am – 11 am Sunday 4 am – 1 pm	500
Monday – Sunday (16 consecutive days in the year) in August	Assumption of Lady St Mary	Monday to Friday 4 pm – 8.30 pm Saturday 5am – 11 am Sunday 4 am – 1 pm	500

Half term, Christmas, Easter and Summer Vacation	School Holiday Club	Monday to Friday 10 am – 12.30 pm	45
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Table 3 sets out the other major activity which takes place predominantly on an annual basis:

Day	Service/Activity	Times	Average Attendance
New Year's Day	Celebration service	Monday to Friday 7 pm – 12.30 pm Saturday or Sunday 7 pm – 11 am	500 - 700
Holy week	Liturgy	Monday to Thursday 5.30 pm – 8.30 pm Thursday 6 am – 3 pm and 6 pm – 8.30 pm Good Friday 6 am – 6 pm	500 -1500
Easter Day	Easter Liturgy and Celebration service	Saturday 7pm to Sunday 3 am	1100
The finding of the true Cross	Liturgy and Celebration service	Whole day ceremony	1100
Christmas Eve	Celebration service	6pm until midnight	1100
Christmas Day	Liturgy	Midnight to 4am	1100
Epiphany	Liturgy and Celebration service	If it falls on weekdays Monday to Friday 7 am – 12.30 pm  Saturday or Sunday 7 pm to the following morning 11am.	100
July and August (annually)	Summer conference	Monday to Friday 5 pm – 9.00 pm Saturday 1 pm – 6 pm Sunday 2pm – 6pm	1000

In addition to the services outlined on Tables 1 - 3, the DGEOTC provides the following services to the church congregation members and the wider community within Camden and neighboring boroughs; School references, Character references (including job references, references for Home Office documentation and tenancy references), mediation and counseling support services for all members of the community. In addition, the Site facilitates social clubs for pensioners, women, youth

and children. The Site also facilitates a youth leadership training course which is targeted at teenagers between the ages of 12 years and 19 years. The training consists of leadership development and evangelical leadership in youth ministry in addition to deaconship studies and teaching on effective means of leading bible studies. The youth are equipped with skills on how to have a positive influence on their peers and also helping them to develop in the area of providing community services.

The work of the DGEOTC has had a significant impact in the lives of the people who have used its services and we attach letters from Seble Lemma, Mahlet Giorgis and Dagnawit Sleshi which set out the impact that the DGEOTC has had on their lives.

Our client has provided copious amounts of information to the Council which demonstrates the strong significance of the DGEOTC within the community and such evidence appears to have been ignored. There is clear evidence that the community use is required, that its loss would lead to a shortfall in provision of the community facility (the DGEOTC being the only type of this community facility in London) and that there is a demand for this community use on the Site as evidenced at Tables 1 - 3. We submit that the potential harm and displacement to this community facility far outweighs the provision of 22 flats which the Council can accommodate elsewhere in the borough. Alternatively, the Council can accept a contribution towards affordable housing (Policy DP3). If the planning committee resolves to grant the planning permission resulting in the loss of Site, our client will challenge the decision by way of Judicial Review.

## **2. Provision of Affordable Housing**

Under Policy DP1, the Council will require a mix of uses in development where appropriate in all parts of the borough, including a contribution towards the supply of housing. Affordable housing will be sought in appropriate circumstances in line with Core Strategy policy CS6 – *Providing quality homes* and Policy DP3 – *Contributions to the supply of affordable housing*. However, the Council's sliding scale approach to affordable housing contributions from sites with capacity for 10 to 50 dwellings will not apply to mixed-use developments providing 1,000 sqm of non-residential floor space or more. Under Policy DP3, where the affordable housing contribution cannot practically be achieved on site, the Council may accept off-site affordable housing, or exceptionally a payment in lieu.

Affordable housing is preferred where there is evidence that the specific community facility is no longer required in its current use. You will note that affordable housing is not preferred instead of a community facility. Evidence will be required to show that the loss would not create or add to a shortfall in provision for the specific community use and demonstrate that there is no demand for any other suitable community use in the site. Further, paragraph 6.18 of the Core Strategy states that the priority the Council gives to housing will not override but will be considered alongside the need to protect some non-residential uses, such as industry, warehousing, community uses and shops across the borough. It is therefore clear that the planning permission, if granted, should exclude the demolition of the Site unless the Applicant can provide evidence to demonstrate that the community use is no longer required which to date, it has failed to provide.

## **3. Other Material Planning Considerations**

### **Planning Inspectorate Appeal Decisions**

The determination of a planning application must be made in accordance with the development plan unless material considerations indicate otherwise (*section 38(6) Planning and Compulsory Purchase Act 2004*). The relevant planning policy from the Council's development plan is set out above and we submit that material considerations must be taken into account in addition. Such material considerations are previous appeal decisions decided by the Planning Inspectorate (PINS). PINS has dismissed an appeal for a mixed use development proposal comprising 9 flats and floor space for

modern community facility with parking and landscaping<sup>2</sup>. One of the Council's reasons for refusal was that the replacement community facility did not qualify as a replacement facility and the applicant had not submitted any of the marketing information required under its policy. The Inspector decided that the developer was required to provide a sequential test based on demonstrating that there was no reasonable prospect of securing satisfactory, viable alternative community use and that the developer had failed to carry out a comprehensive assessment to demonstrate why it would not be viable to comply with the Council's policy.

A further appeal was dismissed by PINS relating to a change of use of a Synagogue to residential use<sup>3</sup>. In this case, the appellant was the Synagogue which was seeking alternative smaller premises in the area because the congregation was declining and the cost of maintaining the large building could not be reconciled. In applying its policy, the London Borough of Hackney considered the change of use of the Synagogue to community purposes however such change would only be justified if it was clear that there was no longer a demand for its use as a place of worship. The appellant did not indicate what attempt it had made to test the market demand for the continued use of their building as a place of worship or alternatively for community purposes, having regard to the provisions in the Council's policies. In turn, the Inspector decided that there was no clear evidence of a lack of general demand for the Synagogue to be retained as a place of religious worship or put to community use, having regard to the objectives of the Council's Unitary Development Plan.

It is clear that PINS has placed a requirement on local planning authorities to adhere to their development plan policies for the retention of community facilities and clear evidence is required to demonstrate that the facility is effectively redundant. Even if membership of the community use or church is in decline, it appears as though local planning authorities are encouraged to look at the general lack of suitable land or buildings available for community purposes. In contrast to the Synagogue in this appeal decision, the DGEOTC has seen a sharp increase in membership since it first occupied the Site in 2013.

Under paragraph 10.12 of the Core Strategy, the Council states that it will seek to support community organisations and religious groups to help them meet their need for faith facilities. An example is provided where the Council is working with the Muslim community who want a purpose built Islamic cultural centre and mosque in the borough, to form a community led project team which will develop the plans for these. Our client welcomes this policy and urges the Council to take a consistent approach with all faith groups, including the DGEOTC.

### **National Planning Policy Framework 2012**

National Policy is also a material planning consideration. Paragraph 70 of the National Planning Policy Framework 2012 (NPPF) states:

*To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

- *plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
- *ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and*
- *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.*

<sup>2</sup> Appeal Ref APP/E2734/A/04/1171396 17 – 17 A Cavendish Avenue, Harrogate, North Yorkshire, HG2 8HY

<sup>3</sup> Appeal Ref: APP/U5360/A/01/1070436 – 100 Amhurst Park, London, N16

To date, our client has not received any comfort from the Council that it has sought to guard against the loss of the DGEOTC and such inaction is in breach of Para 70 NPPF to which the Planning Inspectorate has given significant weight in reaching its decision to dismiss an appeal to change the use of a redundant public house into one residential dwelling.<sup>4</sup>

#### 4. Actions that the Council is expected to take

In determining the Application, our client requests that Policy DP15 and paragraph 70 of the NPPF are given significant weight.

Ahead of the DCC scheduled for 11<sup>th</sup> May, the Council is requested:

1. to seek from the Applicant a detailed assessment and analysis setting out how the development meets Policy DP15; namely, evidence that either the development will provide a replacement facility that meets the needs of the local population or evidence to demonstrate that the loss will not create or add to the shortfall in the provision; and

#### In the event that the planning permission is granted -

2. To secure a contribution towards affordable housing in accordance with Policy DP3 in a Section 106 Agreement, rather than requiring the demolition of the Site; OR
3. To ensure that a suitable alternative site within close proximity of the existing Site is secured in a Section 106 Agreement before the planning permission is granted; and
4. To consider what weight (if any) is to be afforded to the Applicant's Equalities Statement in light of the specific concerns raised by our client in previous correspondence and in this letter.

#### Documentation Sought

The Council states that the application will need to meet the requirements in Policy DP15. Please therefore provide a copy of all correspondence between the Council and the Applicant in relation to the impact and suitable mitigation to the DGEOTC.

Our client makes its request for information under the Freedom of Information Act 2000 and it requires relevant documents to be provided without delay.

Yours sincerely



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<sup>4</sup> Appeal Reference: APP/W1850/W/3063801 , The Fountain Inn, Lyston Lane, Orcop, Hereford, HR2 8EP

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Enc Letter from David Joyce to Keir Starmer  
Planning Inspectorate decisions  
letters from Seble Lemma, Mahlet Giorgis and Dagmawit Sleshi